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IN THE HIGH COURT OF JUDICATURE AT BOBBY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 4359 OF 2006

Katraj Cliff Coop.
Hsg. Society Ltd. ... Petitioner

Vs.

The Municipal Corporation
for the city of Pune & Anr. ... Respondents

Mr. Mandar Limaye, Advocate for the petitioner

Mr. V.G. Mujumdar, Advocate for respondent No.1.

CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.

DATE : JANUARY 19, 2007.

P.C.:

. The petitioner Cooperative Society has approached this Court, as respondent no.1 has refused to grant them development permission on the ground that the land is reserved. Earlier stand of the Corporation was that the land is partly reserved for Hilltop-Hillslope reservation. The petitioner approached the State Government. The State Government noted that the land which was partly reserved, and development couldo take place on the land what was not reserved. It now

transpires that in the Draft Development plan the land is reserved for bio-tech park. The petitioner has applied for the development permission. The respondent Corporation while considering permission for development has to take into consideration the draft development plan. Considering the circumstances, it would not be possible to interfere with the order of the respondent no.1. refusing permission to develop, however, the plan has not been finalised by the State Government, it would be open to petitioner to file the objections before the State Government. If the petitioner files objection, the State Government to consider the same according to law. With the above observation, petition stands disposed off.

[R.V. MORE, J.] **[F.I. REBELLO, J.]**